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Attorneys for Defendants  
KEVIN A. BARRY and  
KEVIN BARRY FINE ART ASSOCIATES

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

BERENICE BRACKETT,  
Plaintiff,

v.

HILTON HOTELS CORPORATION, et. al.,  
Defendants.

Case No. CV 08-02100 WHA (EMC)

**STIPULATED REQUEST TO  
CONTINUE SETTLEMENT  
CONFERENCE; ~~PROPOSED~~  
ORDER**

**STIPULATION**

WHEREAS, the parties in this action have been engaging in settlement discussions;

WHEREAS, the Court referred this case to Magistrate Judge Edward M. Chen for mediation/settlement;

WHEREAS, the parties are interested in scheduling the settlement conference early in the discovery phase of the proceedings;

WHEREAS, on Friday, August 29, 2008, counsel for Defendants Kevin Barry and Kevin Barry Fine Art Associates inquired into the availability of dates for a settlement conference and was advised that September 8, 2008 was the only available date in September 2008;

1 WHEREAS, the counsel for the parties were available on that date and inquired  
2 into the availability of the appropriate client representatives;

3 WHEREAS, confirming whether the appropriate client representatives were  
4 available took somewhat longer because of the Labor Day Weekend;

5 WHEREAS, one of the client representatives needed for a settlement conference  
6 resides in Memphis, Tennessee—and was unable to clear his schedule to be present at  
7 a settlement conference in San Francisco, California on September 8, 2008;

8 WHEREAS, on September 3, 2008, counsel for Defendants Kevin Barry and  
9 Kevin Barry Fine Art Associates inquired into the availability of alternative dates for a  
10 settlement conference and was advised that there had been a cancellation such that  
11 September 22, 2008 had become available;

12 WHEREAS, the parties and their counsel have all confirmed their availability to  
13 attend a settlement conference on September 22, 2008;

14 WHEREAS, the parties wish to participate in a settlement conference on  
15 September 22, 2008;

16 NOW, THEREFORE, the parties to this action, through their undersigned counsel,  
17 stipulate and ask the Court to enter its order as follows:

18 1. The settlement conference scheduled for September 8, 2008 is vacated.

19 2. A settlement conference is scheduled for September 22, 2008, at 10:00  
20 a.m., Courtroom C, 15th Floor, Federal Building, 450 Golden Gate Avenue, San  
21 Francisco, California 94102.

22 3. Settlement Conference statements shall be lodged by hard copy only with  
23 Judge Chen's Chambers by September 15, 2008 (or such other date specified by the

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1 Court). Statements shall not be electronically filed.

2 DATED: September 4, 2008

THE BERNSTEIN LAW GROUP, P.C.

3 By: \_\_\_\_\_/s/  
4 Marc N. Bernstein

5 Attorneys for Plaintiff  
6 BERENICE BRACKETT

7 DATED: September 4, 2008

HOWREY LLP

8 By: \_\_\_\_\_/s/  
9 Robert N. Phillips

10 Attorneys for Defendants  
11 HILTON HOTELS CORPORATION and  
12 HILTON SUPPLY MANAGEMENT, INC.

13 DATED: September 4, 2008

HANSON BRIDGETT LLP

14 By: \_\_\_\_\_/s/  
15 Garner K. Weng

16 Attorneys for Defendants  
17 KEVIN A. BARRY and  
18 KEVIN BARRY FINE ART ASSOCIATES

19 SIGNATURES UNDER GENERAL ORDER NO. 45

20 Pursuant to General Order No. 45 of the United States District Court, Northern  
21 District of California, I, Garner K. Weng—the ECF User whose User ID and Password  
22 are used in the filing of this document—hereby attest that the concurrence to the filing of  
23 this document has been obtained from each of the other signatories to this document.

24  
25 \_\_\_\_\_/s/  
26 GARNER K. WENG

**ORDER**

1. The settlement conference scheduled for September 8, 2008 is vacated.

2. A settlement conference is scheduled for September 22, 2008, at 10:00 a.m., Courtroom C, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

3. Settlement Conference statements shall be lodged by hard copy only with Judge Chen's Chambers by September 15, 2008. Statements shall not be electronically filed.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 4, 2008

By: \_\_\_\_\_

